

ESTTA Tracking number: **ESTTA314097**

Filing date: **10/29/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|---|
| Proceeding | 91189629 |
| Party | Defendant Multi Media Exposure, Inc. |
| Correspondence Address | MARK S. KAUFMAN KAUFMAN & KAHN, LLP 747 3RD AVE, FL 32 NEW YORK, NY 10017-2803 UNITED STATES kaufman@kaufmankahn.com |
| Submission | Response to Board Order/Inquiry |
| Filer's Name | Mark S. Kaufman |
| Filer's e-mail | kaufman@kaufmankahn.com |
| Signature | /Mark S. Kaufman/ |
| Date | 10/29/2009 |
| Attachments | Re-Declaration of Service.pdf (3 pages)(109264 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

| | |
|----------------------------|-----------------------|
| ----- | x: |
| BORGHESE TRADEMARKS, INC. | : |
| | Opposition Proceeding |
| Plaintiff-Opposer, | No. 91189629 |
| | : |
| -- against -- | Mark: PRINCE LORENZO |
| | BORGHESE'S LA DOLCE |
| MULTI MEDIA EXPOSURE, INC. | VITA |
| | Serial No. 77435171 |
| Defendant-Applicant | : |
| ----- | x |

RE-DECLARATION OF SERVICE

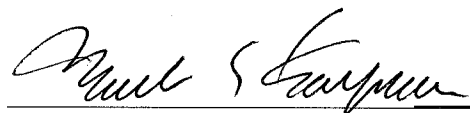
Mark S. Kaufman, an attorney duly admitted to practice in the State of New York,
declares the following under penalty of perjury of the laws of the United States of America:

1. I am a partner of Kaufman & Kahn, LLP, attorneys of record for Defendant-Applicant Multi Media Exposure, Inc. I am filing this in response to the Board's Decision dated October 28, 2009, which in part denied Opposer's motion to strike affirmative defenses, and also determined that Applicant had not filed proof of service in connection with its Motion for Summary Judgment dated September 23, 2009.

2. In fact, as set forth in the attached Declaration of Service dated September 23, 2009, and what I had thought was an electronic receipt from the ESTTA, Applicant filed said Declaration contemporaneously with filing the Motion.

3. I certainly did not intend to defy the Board's direction to provide proof of service, and now understand that the rules require that such proof of service be attached to documents filed with the TTAB.

Dated: New York, New York
October 29, 2009



Mark S. Kaufman
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Kaufman & Kahn, LLP
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New York, NY 10017
Tel.: (212) 293-5556
Fax: (212) 355-5009

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| | x |

DECLARATION OF SERVICE

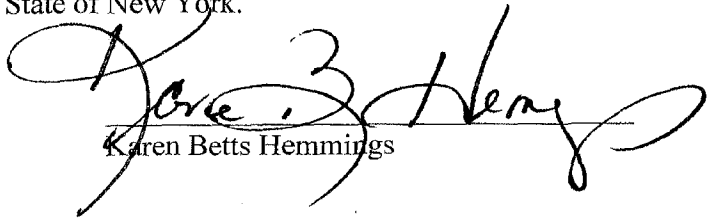
Karen Betts Hemmings, declares the following under penalty of perjury:

That on the 23rd day of September, 2009, declarant served the within APPLICANT'S
MOTION FOR SUMMARY JUDGMENT upon

Moira J. Selinka, Esq.
Baker and Rannells, P.A.
575 Route 28, Suite 102
Raritan, NJ 08869-1354,

attorneys for BORGHESE TRADEMARKS, INC. plaintiff-opposer in the above-captioned lawsuit, at the addresses designated by said attorneys for such purpose, by causing the same to be served by depositing a true copy of same enclosed in a postage paid UPS Air properly addressed wrapper for overnight delivery, in an official depository under the exclusive care and custody of the United Parcel Service within the State of New York.

Dated: New York, New York
September 23, 2009


Karen Betts Hemmings



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ESTTA v3.0
PTO-2151 (Exp. 01/31/2011)
OMB No. 0651-0040 (Exp. 01/31/2011)

Validate and Submit

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| Submission | Other Motions/Papers |
| Filer's Name | Mark S. Kaufman |
| Filer's e-mail | kaufman@kaufmankahn.com |
| Signature | /Mark S. Kaufman/ |
| Date | 09/23/2009 |
| Attachments | Declaration of Service (9-23-09).pdf (1 page)(28258 bytes) |

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